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7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

9 FIRST SAVINGS BANK, a South Dakota)
10 Corporation,) CASE NO. 2:10-CV-00057-KJD-LRL

11 Plaintiff,)
12)
13 vs.)
14)
15 CORY A SIMONEAU, KIM RUETER, KIM)
16 RUETER COMPANY, an Iowa Corporation,)
17 RED MOUNTAIN CONSTRUCTION AND)
DEVELOPMENT, an Arizona Corporation,)
DOES I – V,)
18 Defendants.)
19 _____)

PLAINTIFF'S RESPONSE TO ORDER TO SHOW CAUSE

21 Plaintiff, FIRST SAVINGS BANK., by and through its attorney, of the law firm of
22 McCULLOUGH & ASSOCIATES, LTD., hereby responds to the Order to Show Cause
23 filed by the Court on August 12, 2011.

24 Said Response is made and based upon the papers and pleadings on file herein, and
25 the Points and Authorities set forth below.

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POINTS AND AUTHORITIES

During the course of the litigation, Plaintiff entered settlement discussions with Defendants which resulted in the previous dismissals. It is Plaintiff's intent to continue to pursue CORY A. SIMONEAU and RED MOUNTAIN CONSTRUCTION AND DEVELOPMENT (collectively "Defendants"), through a default in this matter.

Certain matters were in the development which potentially could have affected the damages Plaintiff would have submitted in a default judgment. Those have been resolved and Plaintiff is prepared to move forward with a default and application for a default judgment against the remaining Defendants. Plaintiff anticipates having those actions completed with 60 days of this filing and request the Court not dismiss the matter but rather allow Plaintiff time to secure the default and default judgment against the remaining Defendants.

DATED this 16 day of August, 2011.

Respectfully submitted,

McCULLOUGH, PEREZ & ASSOCIATES, LTD.

By:

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IT IS SO ORDERED.

DATED: 8/17/11

UNITED STATES DISTRICT JUDGE